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UNCLAS SECTION 01 OF 02 PORT OF SPAIN 000523

SIPDIS

SENSITIVE

STATE FOR EB/TPP/IPE, INL, WHA/CAR  
JUSTICE FOR OPDAT R LIPMAN

E.O. 12958: N/A

TAGS: ETRD KIPR KCRM TD

SUBJECT: STRENGTHENING INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT  
CAPABILITIES IN TRINIDAD AND TOBAGO

SENSITIVE BUT UNCLASSIFIED; PLEASE PROTECT ACCORDINGLY

REF: (A) 07 Port of Spain 320 (B) 08 Port of Spain 060  
(C) 08 Port of Spain 116 (D) 08 Port of Spain 147  
(E) 08 Port of Spain 262

**¶1.** (SBU) SUMMARY: Embassy Port of Spain collaborated with the U.S. Department of Justice to provide T&T law enforcement personnel with hands-on IPR crime scene training. During a two-day INL-funded workshop, participants practiced search and seizure techniques and discussed local IPR enforcement activities as well as the implementation of enforcement protocols developed at the previous workshop. The practical exercises were well received, but discussions revealed a decided lack of enforcement activity. Impediments to interagency collaboration and police inertia remain unresolved and make enforcement problematic. However, the avowed keen interest of the new Acting Commissioner of Police James Philbert, and the formation of a Cabinet appointed interagency committee to reduce piracy in the home video club industry, may result in changes going forward. END SUMMARY.

**¶2.** (U) Following up on the March 2008 Intellectual Property Rights Enforcement Workshop (ref D), the U.S. Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training (DOJ/OPDAT) and Embassy Port of Spain jointly hosted a September 16-17 INL-funded crime scene investigation training workshop. While the majority of attendees were members of the Police Service, representatives from the Office of the Director of Public Prosecution (DPP), Office of the Solicitor General, Office of the Chief Parliamentary Counsel, Bureau of Inland Revenue (BIR), Customs and Excise Division, and several private corporations also attended.

Little Progress, but Cause for Hope?

**¶3.** (SBU) DOJ/OPDAT facilitator Robert Lipman opened the event by asking participants to chronicle local changes in the IPR landscape since the first workshop. The passage of the Copyright Amendment Act (ref E) in April, which strengthened enforcement capabilities, was cited as the most important change. However, in terms of actual law enforcement action, only a few raids on DVD vendors had been conducted. Further, the IPR Enforcement Handbook developed in the first workshop to support enforcement action had yet to be integrated into police or customs procedures.

**¶4.** (SBU) Participants noted several barriers to progress. First, no directive for action had yet been received from superiors, either with respect to the implementation of the handbook or on general enforcement. The senior law enforcement participants said approval of their supervisors was necessary for action. Those newer to the force, however, were eager to conduct raids on DVD vendors and felt less constrained by the Police Service hierarchy. Second, despite attempts at the first workshop to facilitate information sharing and

interagency collaboration, the Customs & Excise Division and the Police Service are still not working together to deter pirates. Third, participants blamed T&T's "culture" for the lack of progress and seemed resigned to the fact that many laws are not enforced.

¶ 5. (SBU) On a positive note, law enforcement officials stated that Acting Commissioner of Police Philbert has a strong interest in IPR enforcement. Not only has he assigned several of his own officers to this issue, but Philbert also secured the assistance of the Special Anti-Crime Unit of Trinidad and Tobago. In fact, following a conversation with Lipman about the lack of enforcement activity, Philbert ordered a raid that resulted in six arrests and the seizure of 2000 counterfeit DVDs. In addition, under the Minister of Legal Affairs, a Cabinet appointed committee was established to identify means to reduce piracy within the home video club industry through regulation. Headed by attorney and former Member of Parliament Gillian Lucky, this committee has representatives from the Intellectual Property Office, Customs, and the public prosecutors' (DPP) office. Its clear mandate and strong leadership suggest it will likely make constructive recommendations.

CSI Port of Spain

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¶ 6. (U) The crime scene training began with a review of search procedures and interview techniques. Participants then practiced analyzing evidence and interviewing suspects. On the second day, crime scenes were set up in four hotel rooms. Teams were given several hours to investigate, photograph, and catalogue evidence. While many of the techniques were familiar to the participants, these exercises helped reinforce best practices. Further, the exercises started a useful dialogue between the police and the prosecutors about the type of evidence needed for convictions and

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the necessity of comprehensive documentation.

¶ 7. (SBU) COMMENT: The workshop's practical exercises generated significant enthusiasm for ongoing action. However, enforcement activity since mid-September has been limited to the raid specifically ordered by the Acting Commissioner of Police. For sustained progress, officers need to be empowered to act and their efforts need to be supported by superiors.

AUSTIN